



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,760	02/11/2002	Kantilal A. Jasani	18494.111	6095

21878 7590 10/03/2003

KENNEDY COVINGTON LOBDELL & HICKMAN, LLP
100 NORTH TRYON STREET
BANK OF AMERICA CORPORATE CTR. SUITE 4200
CHARLOTTE, NC 28202

EXAMINER

SINGH, ARTI R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/073,760	Applicant(s) JASANI ET AL.	
	Examiner Ms. Arti Singh	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: At the beginning of the Specification (page 1) under the heading "Cross Reference To Related Applications", this paragraph is lacking. Additionally, the continuity data needs to be updated as Application 09/299802 has matured into USP 6,641,009. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-14 are rejected under 35 U.S.C. 103(a) as obvious over USPN 5680893 issued to Neer in view of USPN 4440590 or JP 77-038445 (abstract). Neer et al. discloses making a decorative privacy screen, in which a base material (woven fiber such as nylon, polyester, fiberglass etc) is impregnated with or coated with an elastomeric polymer such as PVC, which is thermoplastic, upon which is then formed a decorative pattern via screen printing (column 6, line 64- column 7; column 8, lines 44-46). The coated weave appears to be cured/treated prior to applying the design. The product must be weatherproof (column 2, lines 24-25 and column 3 line 62) and must permit those users of the screen to be able to see through the screen (column 6 line 64- column 7, line 6). Clearly, there could be not be any bleeding of any dye of the woven base and the printed decorative patterns unless the elastomer layer did not form a barrier layer against migration of colorants. The mere fact that this is not disclosed does not negate the point that the optical effects from both sides would be defeated if the layer was not an effective barrier since both sides

Art Unit: 1771

would be defeated if the layer was not an effective barrier since both side would then be unattractive. While the specific method of applying the layer to form the impregnated or coated weave is not taught, it is the Examiner's position that impregnation would have reasonably suggested immersion", and that one of ordinary skill in the art at the time the invention was made would have found it obvious to have looked to any conventional coating methods used for such materials. The teachings of Neer do not however explicitly suggest the use of a plasitisol print composition.

Collins et al teach forming signs which must withstand weathering and chemical effects (column 1, lines 27-35). In which indicia are applied as plasitisol or organosol inks. Similarly, the JP- 77-038445 abstract also suggests printing of a vinyl coated metal sheet, baking the coated sheet, and then printing a decorative pattern thereon using plasitisol printing inks to form surfaces resistant to chemicals and weathering. Since Neer emphasizes the importance of weather resistance for the privacy screen, it would have been obvious to a skilled artisan at the time the invention was made to have modified the method of Neer by utilizing plasitisol printing inks as the medium for forming the decorative patterns in order to provide the requirement of weathering resistance.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5030673 is made of record, and a rejection could have been made as they teach the claimed article structure, wherein the structure and chemistry of the fabric are met. However, the above rejection suffices, and applying another rejection would be redundant.

5. Any inquiry regarding this communication or earlier communications from the Examiner should be directed to Arti Singh, whose telephone number is (703) 305-0291. The Examiner can normally be reached Monday through Friday from 8 AM to 5 PM.

Art Unit: 1771

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Mr. Terrel Morris, can be reached at (703) 308-2414. A Facsimile center has been established in Group 1700 on the 8th floor of Crystal Plaza 3. The hours of operation are Monday through Friday 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 305-5408. This location should be used in all instances when faxing any correspondence to Art Unit 1771. Use of the Group 1700 center will facilitate rapid delivery of materials to Examiners in Art Unit 1771.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.



Ms. Arti Singh
Patent Examiner
Art Unit 1771
September 27, 2003